

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**UNITED STATES OF AMERICA
PLAINTIFF**

v.

**MICHAEL DAVID HARVEY,
DEFENDANT**

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CR. NO. 1:06-CR-00107-MHT

UNOPPOSED MOTION TO CONTINUE

Comes now Defendant, Michael David Harvey, by and through counsel of record, and moves the Court to continue the trial of this case and for cause states as follows:

1. This case is presently set for trial during the court's trial term commencing June 4, 2007.
2. After careful review of the discovery it has been determined that the issues applicable to the defense of Defendant in this case are numerous and complex and there is not sufficient time, as presently exists, within which counsel has to adequately prepare for trial.
3. Counsel for the United States and counsel for Defendant have entered into discussions with respect to a possible resolution of this matter, however, the complexities regarding the sentencing structure and the mental capacity of Defendant require additional interviews with counselors.
4. Many of the key witnesses in this case, including a six year old child, presently reside in South Korea and it is the desire of all parties that every effort be made to resolve this matter without the necessity of a trial.

5. This motion has been discussed with Counsel for the United States, Verne H. Spears, and he has stated that he does not oppose the Court granting a continuance.

6. Counsel has reviewed this motion with Defendant and attaches hereto a Waiver of Speedy Trial Act Rights.

Wherefore the above matters considered, Defendant prays this Court grant his motion and continue the trial of this case.

Respectfully submitted this day, May 10, 2007.

/s/Timothy C. Halstrom

Timothy C. Halstrom

Bar Number HAL021

Attorney for Paula Catreet

Of Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the appropriate counsel for the United States and to other interested parties:

/s/Timothy C. Halstrom
Timothy C. Halstrom
Bar Number HAL021